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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FCC MAIL BRANCH

In the Matter of NAB seeking )  
a freeze on FM processing for )  
the FM Broadcast Service )

RM-7932

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Federal Communications Commission  
Office of the Secretary

COMMENTS OF JOHN R. FURR

To: The Commission

John R. Furr hereby submits his comments, in response to the Commission's Public Notice of a petition by NAB to suspend new commercial allotment and allocation processing, released March 20, 1992.

Summary

The proposal to freeze the processing and allocations will create a greater cost individually than the benefits of the freeze collectively. As a member of NAB, through FM station ownership, I do not believe that this action represents my interests and oppose the freeze.

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General Comments

The NAB seeks to freeze the allocations of FM in order to bring about changes in the allocation system of FM. The motivation of the NAB appears to be additional protectionism to the current licensees who are members of NAB. As a business venture, broadcasting has and always will be a very protected economic venture as compared to other types of enterprises. The spectrum limitations, environmental and FAA considerations, public notice and participation, allocation and processing obstacles, coupled with renewal expectancy all contribute to this existing protection.

Concern about excessive allocations in the market place is nothing new. The following is a quotation from Radio Broadcast, Volume XIII, July 1928, commenting on the Davis Amendment to the Radio Act (March 28, 1928).

"The amendment might have been used by the Federal Radio Commission as a means of greatly reducing the number of broadcasting stations on the air. Everything pointed to that course when the Commission announced the details of a plan, submitted by a special committee of the Institute of Radio Engineers, as a result of their exhaustive study of the capacity of the broadcast band. The plan recommended that the number of stations on the air simultaneously be reduced to three hundred and

forty."

It is not valid to compare the FM situation today with the AM situation in 1990 leading to a freeze on AM applications while the Commission reviewed its allocations policies. . The AM band suffers from technological problems and deficiencies in competition with the FM band. Perhaps a freeze and overhaul of AM allocations has been in order. That remains to be seen. The FM band does not have this problem. To the contrary, its technology has been gaining and improving while AM has been perceived as declining. While there have been adverse economic conditions in the past few years impacting all of broadcasting, those conditions will be cured as the economy improves, not because of FCC allocations rules. As the economy improves, FM will take care of itself through forces of the free market place without a freeze or rule restructuring.

Anyone who examines the allocation process will see that the FM service has greatly matured in the last ten years. Docket 80-90 and subsequent dockets open the door to this massive change. The table of allocation spacings, intermediate power classes, and proposed allocation plan were the catalyst that created the present day market place. The NAB was not in opposition to these past dockets (except power increase to Class A stations) because these provided opportunities for the

member stations. My experience of the "NAB Fear" is the moving of more rural stations into metropolitan areas where their members operate. Unless more favorable rules to site moves are adopted by the FCC in an allocation rule change, there will be extremely few future upgrades in these areas.

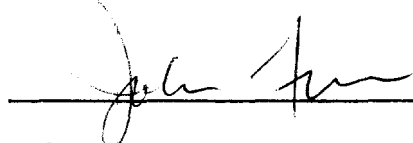
The FM allocation windows that presently open for new services are now mostly in rural areas of low population who could use the service, if a venturer chooses to provide this service. It takes a minimum of approximately two years on the average for a window to open and service to be actually rendered to the general public, if no hearing is involved. The AM freeze lasted for two years. This means possibly that services to undeserved areas could be delayed as long as four or more years if a freeze were to be imposed with minimum, if any, benefit.

There are services that have been patiently waiting for more than three years for a treaty with Mexico to bring the 320 kilometer border zone into uniform compliance. The political delays in the treaty process have not been the fault of these broadcasters. It would be a prohibitive cost to many of these broadcasters in the border area who have waited so long, only now to face a domestic freeze that may prevent allocations and upgrades that have long been overdue and granted to the

John Furr Comments, Page 6

FM broadcasters by freezing the present FM rules. If the NAB really wants to protect its members from devaluation, it had better take an active role in promoting in-band DAB.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John Furr", is written over a horizontal line.

John R. Furr

Date: April 18, 1992